

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JEFFREY K. KOLO,

Plaintiff,

v.

OSTLER INTERNATIONAL, INC,

Defendant.

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Case No. 1:07CV3736

JUDGE KATHLEEN O'MALLEY

ORDER

Before the Court is Plaintiff Jeffrey K. Kolo's ("Kolo") *Motion to [Remand] to Common Pleas Court* (Doc. 6). In his motion, Kolo argues that he is not seeking a recovery over \$70,000 and, therefore, cannot satisfy the amount in controversy requirement. Indeed, given the very general nature of the allegations, the amount of damages Kolo allegedly suffered was unclear from the face of the Complaint. As such, the Court was obligated to conduct its own inquiry into its jurisdiction to hear the claim. During its inquiry, it became evident that the potential damages, if any, available to the plaintiff were far below the jurisdictional floor. Further, Kolo stipulated to the Court that the cause of action alleged does not permit an award of punitive damages and, moreover, that he does not seek, *and will not accept*, any recovery greater than \$70,000. Accordingly, based on the foregoing, and for the reasons articulated during the January 25, 2008 Case Management Conference, this matter is **REMANDED** to the Cuyahoga County Court of Common Pleas.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: February 15, 2008